
Costs Decision

Hearing Held on 24 October 2017

Site visit made on 24 October 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd November 2017

Costs application in relation to Appeal Ref: APP/A2525/W/17/3177564 Low Lane, Holbeach, Lincolnshire

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Benchmark Properties for a full award of costs against South Holland District Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for a residential development of 39 dwellings.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance ("PPG") advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant submits that the Council has behaved unreasonably in refusing planning permission on a planning ground capable of being dealt with by conditions. Moreover, the decision to refuse permission was against Officer advice, and the appellant contends that Planning Committee should have considered a deferral in order to allow more time for this matter to be addressed.
4. In determining the appeal, I came to a different view from the Council. However, assessing the acceptability of the living conditions of future occupiers of a development is to a certain extent a matter of planning judgment. It was not unreasonable for the Council's Planning Committee to come to a different view from Officers in this regard. In addition, the Council has provided a detailed justification in support of its reason for refusal. The Council was also under no obligation to consider a deferral if it did not consider that its concerns could be satisfactorily addressed by conditions.
5. Whilst the appellant submitted a number of illustrations on the day of the hearing, these were not available prior to this. Nor is it clear that these drawings would have overcome the Council's reason for refusal. In this regard, I note that the Council objected to the impact of the acoustic fence on the street scene, once it had reviewed the submitted illustrations. Whilst I came to

a different view and allowed the appeal, again, this is to a certain extent a matter of planning judgment.

6. Accordingly, and based on the evidence before me, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Thomas Hatfield

INSPECTOR